

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

COMPUTER SCIENCES CORPORATION,

Plaintiff,

v.

ENDURANCE RISK SOLUTIONS ASSURANCE
CO., HOMELAND INSURANCE COMPANY OF
NEW YORK, ASPEN INSURANCE UK LIMITED,
ASPEN INSURANCE LIMITED FOR AND ON
BEHALF OF LLOYD'S UNDERWRITER
SYNDICATE NO. 4711, ASPEN UNDERWRITING
LIMITED FOR AND ON BEHALF OF LLOYD'S
UNDERWRITER SYNDICATE NO. 4711, ASPEN
MANAGING AGENCY LIMITED FOR AND ON
BEHALF OF LLOYD'S UNDERWRITER
SYNDICATE NO. 4711, LLOYD'S
UNDERWRITER SYNDICATE NO. 4711,

Defendants.

No. 1:20-cv-01580-MKV

~~[PROPOSED]~~ F.R.E. 502(d) ORDER

WHEREAS, the parties (the “Parties,” each a “Party”) to the above-captioned action (the “Litigation”) jointly request that this Court issue an order pursuant to Federal Rule of Evidence 502(d) to facilitate production and use of documents in this proceeding and to protect the Parties against waiver of any privileges or protections attaching to those documents;

WHEREAS, the Parties may produce documents, answer interrogatories, and provide testimony and other information that may contain information covered by the attorney-client privilege or work product protection;

WHEREAS, the Parties wish to expedite and facilitate the production of electronic and hard copy data, information, and documents, and to protect against waiver as a result of the inadvertent or intentional disclosure of attorney-client privileged communications or work product materials;

WHEREAS, Fed. R. Evid. 502(d) states that “[a] federal court may order that the privilege or protection is not waived by disclosure connected with the litigation pending before the court - in which event the disclosure is also not a waiver in any other federal or state proceeding;”

WHEREAS, this Court finds good cause to issue an order pursuant to Fed. R. Evid. 502(d); and

WHEREAS, this Court shall retain jurisdiction over any matter or dispute arising from or relating to the implementation of this Order.

IT IS HEREBY ORDERED:

1. The production of privileged or work-product protected documents, electronically stored information (“ESI”) or information, whether inadvertent or otherwise, is not a waiver of the privilege or protection from discovery in this case or in any other federal or state proceeding.

2. This Order shall be interpreted to provide the maximum protection allowed by Federal Rule of Evidence 502(d).

3. Nothing contained herein is intended to or shall serve to limit a Party’s right to conduct a review of documents, ESI or information (including metadata) for relevance, responsiveness and/or segregation of privileged and/or protected information before production.

4. The provisions of Federal Rule of Evidence 502(b) do not apply.

5. Disclosure of information or documents by the receiving party before the producing party designates the information as protected shall not be deemed a violation of this Order.

6. Any party receiving any such documents or information shall return them to the producing party based on the procedure outlined in paragraph 19.B. of the Stipulated Protective Order entered into between the Parties. Nothing in this Order shall prevent a receiving party from challenging the privilege or protection asserted by the producing party by following the procedure outlined in paragraph 19.C. of the Stipulated Protective Order. Pursuant to Fed. R. Civ. P. 26, the producing party bears the burden of establishing the privilege or protection of all such challenged documents.

SO STIPULATED AND AGREED.

///

///

///

Dated: January 11, 2022

BARNES & THORNBURG LLP

/s/ David E. Wood

Robert J. Boller
Niraj Parekh
445 Park Avenue, Suite 700
New York, NY 10022
Telephone: 646-764-2020
Facsimile: 646-764-2001
Email: rboller@btlaw.com
Email: nparekh@btlaw.com

David E. Wood (*pro hac vice*)
Joshua B. Rosenberg (*pro hac vice*)
2029 Century Park East, Suite 300
Los Angeles, CA 90067
Telephone: 310-284-3880
Facsimile: 310-284-3894
Email: dwood@btlaw.com
Email: jrosenberg@btlaw.com

Attorneys for Plaintiff Computer Sciences Corporation

Dated: January 11, 2022

ROBINSON & COLE LLP

/s/ Erica J. Kerstein

Erica J. Kerstein
Meryl Breeden
Chrysler East Building
666 Third Avenue, 20th Floor
New York, NY 10017
Telephone: 212-451-2900
Facsimile: 212-451-2999
Email: ekerstein@rc.com
Email: mbreeden@rc.com

*Attorneys for Defendant Endurance Risk Solutions
Assurance Co.*

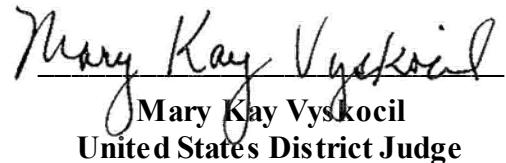
Dated: January 11, 2022

TRAUB LIEBERMAN LLP

/s/ Richard Rogers

Lisa Shrewsberry
Richard Rogers
Seven Skyline Drive
Hawthorne, NY 10532
Telephone: 914-347-2600
Facsimile: 914-347-8898
Email: lshrewsberry@tlsslaw.com
Email: rrogers@tlsslaw.com

*Attorneys for Defendants Homeland Insurance Company
of New York, Aspen Insurance UK Limited, Aspen
Insurance Limited for and on behalf of Lloyd's
Underwriter Syndicate No. 4711, Aspen Underwriting
Limited for and on behalf of Lloyd's Syndicate No. 4711,
Aspen Managing Agency Limited for and on behalf of
Lloyd's Underwriter Syndicate No. 4711, and Lloyd's
Underwriter Syndicate No. 4711*


Mary Kay Vyskocil
United States District Judge

Date: 2/9/2022
New York, New York